

AO 247 (02/08) Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT
for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
for Danville
MAR 12 2008

United States of America)
v.)
DOMUSIQUEZ Y. TINSLEY) Case No: 4:03cr70134-005
) USM No: 10236-084
Date of Previous Judgment: 5/18/05)
(Use Date of Last Amended Judgment if Applicable)) Defendant's Attorney

JOHN F. CORCORAN, CLERK
BY: *Fay Colman*
DEPUTY CLERK

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant the Director of the Bureau of Prisons the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

DENIED. GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 60 months is reduced to 53 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 31 Amended Offense Level: 29
Criminal History Category: III Criminal History Category: III
Previous Guideline Range: 135 to 168 months Amended Guideline Range: 120 to 135 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.
 The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
 Other (explain):

III. ADDITIONAL COMMENTS

The Government has objected to a reduction based on aspects of Defendant's pre-sentencing conduct. Finding that the pre-sentencing conduct is adequately accounted for under the amended guideline range, and upon consideration of the factors set forth in 18 U.S.C. § 3553(a) and U.S.S.G. § 1B1.10, the Government's objections are overruled and Defendant's sentence is reduced as provided above.

* Defendant's term of imprisonment is reduced to 53 months, but not less than time served.

Except as provided above, all provisions of the judgment dated 5/18/05 shall remain in effect.

IT IS SO ORDERED.

Order Date: March 12, 2008

Norman K. Moon

Judge's signature

Effective Date: March 22, 2008
(if different from order date)

Norman K. Moon, United States District Judge
Printed name and title